

**Before the State of South Carolina  
Department of Insurance**

**In the Matter of:**

**Jon E. Ham, Sr.**

SCDOI Docket # 05-0268

**ORDER IMPOSING  
ADMINISTRATIVE FINE**

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting that an administrative fine of \$2,000.00 be imposed on Jon E. Ham, Sr. (Professional Bondsman).

After careful review of the evidence presented, the Department issues the following decision.

**FINDINGS OF FACT**

Bondsman is currently a South Carolina professional bondsman.

In the State of South Carolina, the bondsman accepted William Filyaw's property in lieu of the premium/fee outlined bylaw, failed to issue a receipt for that property and subsequently sold said property without cause.

**CONCLUSIONS OF LAW**

Pursuant to S.C. Code §38-53-170(E) "No bondsman or runner may" (E) "accept anything of value from a principal except the premium, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of twenty-five dollars. However, the bondsman is permitted to accept collateral security or other indemnity from the principal which must be returned upon final termination of liability on the bond. The bondsman shall identify who is paying the premium and shall represent that the collateral security or other indemnity has not been obtained from any person who has a greater interest in the principal's disappearance than appearance for trial. The collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond". S.C. Code § 38-53-180, "When a professional or surety bondsman accepts collateral, he shall give a written receipt for the collateral. This receipt shall give in detail a full description of the collateral received". S.C. Code § 38-53-150(A)(5)&(10)...(A)"The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for..." (5) "fraudulent or dishonest practices while conducting business as a licensee" (10) "for charging or receiving as premium or compensation for the making of any deposit or bail bond any sum in excess of that permitted by this chapter". Because Jon E. Ham, Sr. accepted property in lieu of premium/fee, failed to issue a

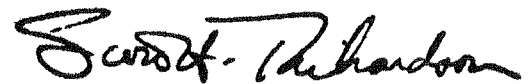
receipt for that property and sold said property without cause, this Department may now revoke or suspend his professional bondsman's license. In lieu of suspension or revocation, the Department now moves to impose an administrative fine of \$2,000.00.

### **ORDER**

THEREFORE, it is ordered that Jon E. Ham, Sr., a South Carolina professional bondsman shall pay an administrative fine of \$2,000.00 within thirty (30) days from the date of this order, unless Jon E. Ham, Sr. requests in writing within said thirty (30) day period a public hearing before the South Carolina Administrative Law Court. If Jon E. Ham, Sr. fails to pay the administrative fine as stated or request a public hearing before the South Carolina Administrative Law Court within thirty (30) days from the date of this order, his producer's license will be summarily revoked without any further disciplinary proceedings.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *freedom of Information Act*, S.C. Code Ann. §§30-4-10, et seq. (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. §38-3-110(3) (Supp. 2000).



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Scott H. Richardson  
Director of Insurance

Dated this 21 day of April 2007